

Message Text

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ACTION EB-08

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FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 132

INFO AMCONSUL MELBOURNE

AMCONSUL SYDNEY

AMCONSUL BRISBANE

AMCONSUL PERTH

LIMITED OFFICIAL USE CANBERRA 2292

E.O. 11652: N/A

TAGS: EMIN, EINV, EFIN, EALR, AS

SUBJ: D.M. MINERALS SEEKS GOVERNMENT COMPENSTATION FOR LOSS OF
MINERAL SANDS VENTURE

REF: (A) 76 CANBERRA A-130, (B) CANBERRA A-001

1. D.M. MINERALS, PARTNERSHIP OF DILLINGHAM CONSTRUCTIONS
(U.S. COMPANY) AND MURPHYORES, ANNOUNCED APRIL 1, 1977, IT
HAS RESPONDED TO GOA'S INVITATION TO SUBMIT CLAIM FOR
COMPENSATION FOR ENFORCED CESSATION OF SANDMINING ON FRASER
ISLAND. CLAIM FOR \$A23 MILLION WAS DELIVERED TO J.D. ANTHONY,
MINISTER FOR NATIONAL RESOURCES. MINING OPERATIONS CEASED
DECEMBER 31, 1976, AFTER FRASER ISLAND ENVIRONMENTAL INQUIRY
RECOMMENDED THAT MINERAL SANDS MINING ON FRASER ISLAND BE
HALTED TO PRESERVE THE ENVIRONMENT (REFAIR A).

2. D.B. HILL, MANAGING DIRECTOR, D.M. MINERALS, SAID CLAIM
WAS BASED ON THREE GROUNDS: GOA' DECISION TO HALT MINERAL
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SANDS EXPORTS REPRESENTED BREACH OF COMMITMENT; IN STOPPING
EXPORTS, GOA GAVE RETROSPECTIVE EFFECT TO NEWLY
FORMULATED POLICY TO COVER FUTURE PROPOSALS FOR NEW
VENTURES; AND GOA DECISION DEPRIVED D.M. MINERALS OF
SUBSTANTIAL ASSET.

3. COMMENT: GOA REACTION TO CLAIM HAS BEEN

NONCOMMITTAL AND MAY BE SO FOR SOME TIME AS J.D. ANTHONY, MINISTER FOR NATIONAL RESOURCES, IS SCHEDULED TO BE OUT OF COUNTRY FOR ABOUT A MONTH. ANTHONY'S DEPARTMENT WILL BE CENTER OF ACTIVITY FOR THIS CLAIM ALTHOUGH SEVERAL GOVERNMENT DEPARTMENTS ARE INVOLVED.

4. D.M. MINERALS CLAIM EXCEEDS \$A5 MILLION FIGURE THAT GOA PREVIOUSLY STATED AS EQUITABLE COMPENSATION TO COMPANIES FOR LOSS OF SANDMINING VENTURE (REFAIR B). ALSO, QUEENSLAND GOVERNMENT WAS TO RECEIVE \$A5 MILLION FOR JOB CREATING WORK PROGRAMS FOR REGION AFFECTED BY SAND MINING HALT.

5. D.M. MINERALS' REFERENCE TO RETROSPECTIVE EFFECT OF NEW POLICY AND LAW REFERS TO FACT THAT D.M. MINERALS WAS GRANTED EXPORT LICENSE PRIOR TO ENACTMENT OF ENVIRONMENT PROTECTION (IMPACT OF PROPOSALS) ACT 1974. THIS ACT WAS TO APPLY ONLY TO NEW MINING VENTURES, BUT IT PROVIDED FOR ENVIRONMENTAL INQUIRY WHOSE FINDINGS RESULTED IN CLOSURE OF MINING VENTURE WHICH AHD BEEN APPROVED BEFORE ACT BECAME LAW.

6. D. B. HILL OF DILLINGHAM WILL KEEP EMBASSY BRIEFED ON THESE DEVELOPMENTS. COPY OF COMPENSATION CLAIM HAS BEEN REQUESTED FROM HILL AND UPON RECEIPT IT WILL BE POUCHED TO DEPARTMENT. END COMMENT.
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